

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:20-cr-133

vs.

DAVID LEE HARGROVE,

District Judge Michael J. Newman

Defendant.

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**ORDER AFFIRMING THE NEED FOR AN EVIDENTIARY HEARING**

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This criminal case is before the Court on Defendant's motion to suppress. Doc. No. 20. The government filed a memorandum in opposition. Doc. No. 22. Thereafter, Defendant filed a reply. Doc. No. 24. The government argues that Defendant has not satisfied the essential requirements necessary to obtain a *Franks* hearing, and that this matter should be resolved absent an evidentiary hearing. *Franks v. Delaware*, 438 U.S. 154 (1978). The Court finds that an evidentiary hearing is warranted in this case. This finding, however, does not preclude the parties from raising arguments under *Franks* in their post-hearing memoranda. Accordingly, the Court will set this case for an in-person, in-court hearing as soon as the Court is re-opened.

**IT IS SO ORDERED.**

Date: March 19, 2021

s/ Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge